

Application Number 10/807,822

Amendment in response to Office Action mailed September 5, 2008

### REMARKS

This Amendment is responsive to the Office Action dated September 5, 2008. Applicant has amended claim 12 and canceled claims 17 and 18. Claims 1-8 and 10-16 and 19-20 are now pending.

#### *Allowable subject matter*

In the Office Action, the Examiner objected to claim 18 as being dependent upon a rejected base claim, but indicated that claim 18 would be allowable if rewritten in independent form. Applicant thanks the Examiner for these favorable comments with respect to dependent claim 18. Applicant has amended claim 12 at this time to include the limitations of dependent claim 18 and intervening claim 17. Accordingly, claims 12-16 and 19-20 are in condition for immediate allowance.

#### *Pending claim rejections*

In the Office Action, the Examiner rejected claims 1, 2, 5, 12 and 14 under 35 U.S.C. 103(a) as being unpatentable over Sakai (JP 58-094149) in view of Anderson (US 5,142,385) and Fidler ("A Method of Ruling Circular Diffraction Gratings and Their Use in the Moire Technique of Strain Analysis"). The Examiner also rejected claims 3, 4, 10, 11, 13, 14, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Sakai in view of Anderson and Fidler as applied to claims 1 and 12, and further in view of Ohtomo (US 5,763,037). In addition, the Examiner rejected claims 6, 7, 8, 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Sakai in view of Anderson and Fidler as applied to claim 1, and further in view of Peeters (US 4,394,661). Also, the Examiner rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Sakai in view of Anderson and Fidler as applied to claim 12 and further in view of Nakane (US 6,324,139).

As noted above, claim 12 has been amended to recite allowable subject matter. Therefore, the rejections of claims 12-16 and 19-20 have been overcome.

With respect to claims 1-11, Applicant respectfully traverses the current rejections. The applied references fail to disclose or suggest the inventions defined by Applicant's independent claim 1, and provide no teaching that would have suggested any rational reason for a person of ordinary skill in the art to arrive at the claimed invention.

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In particular, the applied prior art fails to disclose or suggest any technique for creating a plurality of three or more equally spaced and focused laser spots, or simultaneously illuminating a photoresist layer of a master with the three or more laser spots to photolithographically expose a plurality of tracks, as required by claim 1.

The Examiner indicated that Sakai teaches the features of claim 1 but recognized that Sakai fails to suggest anything regarding track pitch variations as required by claim 1. The Examiner cited Anderson and Fidler as teaching track pitch variations of less than five nanometers, and concluded that claim 1 would have been obvious in view of Sakai, Anderson and Fidler. This Examiner's analysis of Sakai, Anderson and Fidler served as a basis for all of the rejections of claims 1-11.

Applicant respectfully disagrees with the Examiner's analysis of claim 1, and notes that the Examiner failed to even address the requirements of Applicant's claim 1. In particular, the Examiner failed to identify anything in Sakai, Anderson or Fidler (or any of the prior art) that suggests a mastering technique that creates a plurality of three or more equally spaced and focused laser spots, as required by claim 1. Furthermore, the Examiner failed to identify anything in Sakai, Anderson or Fidler (or any of the prior art) that suggests simultaneously using three or more focused laser spots to define a plurality of tracks, as required by claim 1.

The primary reference (Sakai) teaches a mastering technique that forms "an optical interference type guide groove." However, nothing in Sakai suggests any mastering technique that creates a plurality of three or more equally spaced and focused laser spots, or simultaneously illuminates a photoresist layer of a master with a plurality of focused laser spots to photolithographically expose a plurality of tracks of the master. Indeed, the entire notion of an interference type guide groove is contrary to the notion of focused laser spots. Instead, an interference pattern, per Sakai, implies that the lasers used to create the interference pattern are unfocused.

While the system of Sakai does separate a laser beam into two separate paths via a beam splitter, nothing in Sakai suggests any mastering technique that creates a plurality of three or more equally spaced and focused laser spots. Indeed, the two separate beam paths of Sakai are not focused to define three or more focused laser spots, as required by claim 1. Furthermore, the teaching of Sakai makes it very clear that the two separate beam paths of Sakai are made to

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interfere on the master disk to define an optical interference type groove. Clearly, two laser paths that interfere to define an optical interference type groove (per Sakai) are different than three or more equally spaced and focused laser spots that photolithographically expose a plurality of tracks of the master, as required by claim 1.

For each of these reasons, the rejections of claims 1-11 are improper. Accordingly, given these fundamental flaws in the prior art, as applied to claim 1, the rejections of claims 1-11 cannot stand, and should be withdrawn.

It should also be noted that the Examiner's position with respect to dependent claim 3 is inapposite. Dependent claim 3 specifically requires creating the plurality of focused laser spots using a plurality of different lasers. For this claim, the Examiner recognized that Sakai, Anderson and Fidler fail to suggest any use of a plurality of different lasers, but cited Ohtomo as suggesting the use of a plurality of different lasers. On this basis, the Examiner indicated that creating the plurality of focused laser spots using a plurality of different lasers would have been obvious to a person of ordinary skill in the art.

However, Ohtomo does not actually suggest the use of a plurality of different lasers, for any reason. Moreover, even if a plurality of different lasers were used, as contended by the Examiner, this would frustrate the teaching of the primary reference (Sakai), which relies on the same laser and a beam splitter in order to create an interference pattern. An interference pattern would not be attainable via a plurality of different lasers, so even if Ohtomo suggested the use of a plurality of different lasers (which it does not), different lasers would never be used in the system of Sakai insofar as different lasers would undermine the creation of an interference pattern, which is the purpose of Sakai. For this reason, a person of ordinary skill in the art would have consciously avoided the use of a plurality of different lasers in a system like that of Sakai. Accordingly, for this additional reason, the rejection of claim 3 is improper and should be withdrawn.

In view of the foregoing comments with respect to claims 1 and 3, and the claim amendment to claim 12, all claims in this application are in condition for immediate allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

Applicant does not acquiesce to any of the rejections or interpretations of the prior art, and Applicant reserves the right to present additional arguments. Please charge any additional

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fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

12/4/8

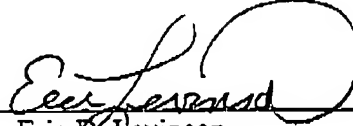
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